

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM SHUPE,

Plaintiff,

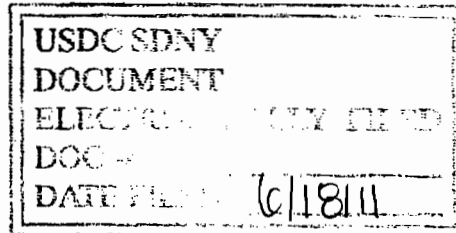
-v-

MICHAEL J. ASTRUE,  
Commissioner of Social Security

Defendant.  
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BARBARA S. JONES  
UNITED STATES DISTRICT JUDGE

(BSJ)  
07-cv-7961  
ORDER



Before the Court is Plaintiff's, William L. Shupe, objection to the Report and Recommendation ("R&R") of Magistrate Judge Frank Maas. Shupe brings this action pursuant to Section 204(g) of the Social Security Act, 42 U.S.C. § 405(g), to seek review of a final decision of the Commissioner ("Commissioner") of the Social Security Administration ("SSA") denying his application for Social Security Disability Insurance benefits. Shupe has moved, and the Commissioner has cross-moved, for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. Judge Maas' R&R recommended that (a) Shupe's motion be denied, and (b) the Commissioner's motion be granted. For the reasons to follow, the Court adopts the Report and Recommendation. Accordingly, Shupe's Motion for Judgment on the Pleadings is DENIED and the Commissioner's Cross Motion is GRANTED.

### LEGAL STANDARD

When a magistrate judge has issued findings or recommendations, the district court "may accept, reject, or modify [them] in whole or in part." 28 U.S.C. § 636(b)(1)(C). The Court reviews de novo any portions of a Magistrate Judge's R&R to which a petitioner has stated an objection. 28 U.S.C. § 636(b)(1)(C); see United States v. Male Juvenile, 121 F.3d 34, 38 (2d Cir. 1997). "Where no objections are filed . . . the court reviews the report for clear error." Brown v. Ebert, No. 05 Civ. 5579, 2006 WL 3851152, at \*2 (S.D.N.Y. Dec. 29, 2006) (citing Gardine v. McGinnis, No. 04 Civ. 1819, 2006 WL 3775963, at \*4 (S.D.N.Y. Dec. 20, 2006)). "To the extent, however, that the party makes only conclusory or general arguments, or simply reiterates the original arguments, the Court will review the Report strictly for clear error." Watson v. Astrue, 08 Civ. 1523, 2010 WL 1645060, at \*1 (S.D.N.Y. April 22, 2010)

### DISCUSSION<sup>1</sup>

Plaintiff's objections simply reiterate the original arguments made in both the ALJ proceeding and in his moving papers. Accordingly, the Court reviews the R&R for clear error. The Court finds Magistrate Judge Maas' R&R thorough, well-reasoned and not clearly erroneous. Accordingly, the Court

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<sup>1</sup> The facts and procedural history of this case are set forth in detail in Magistrate Judge Maas' Report and Recommendation, familiarity with which is presumed.

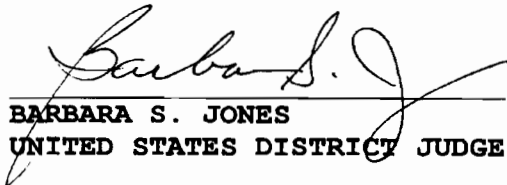
adopts Magistrate Judge Maas' recommendation that the Petition be dismissed.

**CONCLUSION**

For the foregoing reasons, the Court adopts the Report and Recommendation of Magistrate Judge Frank Maas in its entirety. Accordingly, Shupe's Motion for Judgment on the Pleadings is DENIED and the Commissioner's Cross Motion is GRANTED.

The Clerk of the Court is directed to close this case.

**SO ORDERED:**

  
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**BARBARA S. JONES**  
**UNITED STATES DISTRICT JUDGE**

Dated: New York, New York  
June 18, 2011